

Appl. No. 09/979,529
Atty. Docket No. CM2157
Amtd. dated 12/16/2003
Reply to Office Action of 10/03/03
Customer No. 27752

REMARKS/ARGUMENTS

Claims 16, 19, 22, 23 and 26 are now in the case. Claim 16 has been amended to recite that the detergent active particulates are uniformly distributed through the composition. Basis is at page 1, last paragraph. Claim 16 has also been amended to provide uniform usage of the terms "size" and "diameter" throughout the claim (see §112, below). Claim 16 further specifies the 200 μ m size and the 20% size limits. Bases are at page 2, l. 16 and at page 3, l. 6, respectively. Claim 16 has been further amended to employ formal Markush language and to focus on perfumes, enzymes and photobleaches, per the language of the claim presented earlier. Claim 19 has been amended to depend from Claim 16. Claims 22 and 23 have been amended, pursuant to the rejections under §112 (below). It is submitted that the amendments add no new matter, and entry is requested.

Objections to the Specification

The specification has been amended at pages 3-4 and page 6 to update the cited documents. The Specification has been amended at page 26 to delete non-essential matter. It is submitted that these amendments meet the objections at page 2 of the Office Action. Withdrawal of the objections is requested.

Rejections Under 35 USC 112

Claims 16-30 stand rejected, for reasons of record at page 2 of the Office Action.

It is submitted that the insertion of the Markush terminology, as required by the Office Action, fully meets the rejection on that basis.

With regard to the terminology "size" and "diameter," amended Claim 16 now recites detergent active particulates having a geometric mean particle diameter below 200 μ m. This provides antecedent basis for the later use of "diameter" with respect to the active particulates.

Likewise, Claims 16, 22 and 23 have also been amended to consistently employ the term "size," when referring to the detergent base particles.

In short, the detergent active particulates consistently use the term "diameter" and the detergent base particles consistently use the term "size". Accordingly, it is submitted that Claims 16, 22, 23 and 26 are clear and fully consistent in this regard. Withdrawal of the rejections on this basis is therefore requested.

Claim 23 has also been amended to recite the "method". Withdrawal of the rejection on this basis is requested.

Claim 18 has been canceled, thereby obviating its rejection (O.A. page 3).

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The Examiner's helpful suggestions regarding the foregoing amendments are acknowledged.

Rejection Under 35 USC 102

Claims 16, 21-23 and 28-29 stand rejected over EP 0,816,485, for reasons of record at pages 3-4 of the Office Action.

Applicants respectfully traverse the rejections on this basis.

At the outset, it is noted that the particle coating of '485 apparently comprises an aluminosilicate (page 2, l. 45). There appears to be no teaching or suggestion to adhere detergent active particulates selected from the group consisting of perfumes, enzymes and photobleaches to detergent base particles.

Indeed, when '485 does contemplate the presence of "non-surfactant additives...[such as] enzymes" (page 3, l. 4) it is in the context of the premix (page 2, l. 33), not the adherent particulate, in the manner of the present invention.

Inasmuch as '485 does not teach all elements of the present invention, withdrawal of the rejections under §102 is requested.

Rejections Under 35 USC 103

Claims 16-30 stand rejected over GB 2,120,695, for reasons of record at pages 4-5 of the Office Action.

Applicants respectfully traverse the rejections on this basis, to the extent they may apply to the claims as amended herewith.

As in the case of the '485 document, discussed above, nothing in '695 relates to a method for adhering particulate perfumes, enzymes and/or photobleaches to the surface of detergent particles. Instead '485 appears to relate entirely to detergent particles having bentonite clay fabric softener adhered to their outer surface. (Abstract; page 1, col. 2, l. 84-100.)


Notably, when materials such as perfumes or enzymes are mentioned as being added to the composition, there appears to be no suggestion that they should be in the form of particulates which are adhered to the outer surfaces, in the manner of the bentonite powder. (See, page 6, col. 2, l. 116 and page 7, col. 1, l. 11-17.) Said another way, when the patentees in '485 do employ perfumes and/or enzymes in their disclosed products, they do not appear to add them as particulates on the surface of the base detergent particles, in the manner of the present invention. It is respectfully submitted that '695 makes no suggestion as to why its teachings should be modified to encompass a process for so doing.

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To summarize: While '695 teaches the adhesion of fabric softening bentonites to detergent particles, it neither teaches nor suggests that particulate perfumes, enzymes or photobleaches should likewise be adhered, in the present manner. In the absence of such suggestion, withdrawal of the rejections under §103 is requested.

In light of the amendments and arguments presented herein, early and favorable action in the case is requested.

Respectfully submitted,
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